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UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 JOEL BENOLIEL, GREGG R. DAUGHERTY,
12 BRUCE E. HOSFORD, and DONALD S.
JEFFERSON,

13 | Plaintiffs/Petitioners,

14

15 BLACKHAWK PARENT LLC, a Delaware limited
liability company, and EOP OPERATING
16 LIMITED PARTNERSHIP, a Delaware limited
partnership,

Defendants/Respondents.

Case No. C 07-03001-RMW

**JOINT STIPULATION AND
[PROPOSED] ORDER
CONTINUING THE HEARING
ON THE FIRST AMENDED
PETITION TO COMPEL
ARBITRATION AND THE CASE
MANAGEMENT CONFERENCE**

Prior Hearing Date: November 9, 2007

**New Hearing Date: December 7,
2007**

1 Pursuant to Civil Local Rules 6-1(b), 6-2, 7-7(b) and 7-12 of the Federal District
2 for the Northern District of California, Plaintiffs/Petitioners Joel Benoliel, Gregg R. Daugherty,
3 Bruce E. Hosford, and Donald S. Jefferson (collectively, "Petitioners"), by and through their
4 respective counsel, submit this Joint Stipulation and Proposed Order Changing Time concerning
5 Petitioners' pending First Amended Petition to Compel Arbitration (the "Amended Petition")
6 scheduled to be heard November 9, 2007 (the "Hearing").

7 WHEREAS, Petitioners filed the Amended Petition on July 27, 2007;

8 WHEREAS, Respondents filed a Memorandum of Points and Authorities in
9 Opposition to the Amended Petition (the "Opposition") on August 10, 2007;

10 WHEREAS, Petitioners filed a Reply in Support of the Amended Petition on
11 August 17, 2007;

12 WHEREAS, a hearing on the Amended Petition was originally scheduled for
13 August 31, 2007 at 9:00 a.m.;

14 WHEREAS, on August 27, 2007, the parties submitted a joint stipulation and
15 proposed order, continuing the August 31, 2007 hearing to September 28, 2007;

16 WHEREAS, on August 28, 2007, the Court entered the proposed order continuing
17 the August 31, 2007 hearing to September 28, 2007;

18 WHEREAS, a Case Management Conference was also scheduled to occur on
19 September 28, 2007;

20 WHEREAS, on September 18, 2007, the Court *sua sponte* ordered that the hearing
21 on the Amended Petition and the Case Management Conference be continued to October 19, 2007;

22 WHEREAS, upon a joint stipulation submitted by the parties, on October 11, 2007,
23 the Court ordered that the hearing on the Amended Petition and the Case Management Conference
24 be continued to November 9, 2007;

25 WHEREAS, the parties are in continued discussions directed toward reaching a
26 negotiated resolution of the issues raised by the Amended Petition;

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28 JOINT STIPULATION AND REQUEST FOR ORDER CHANGING TIME

1 WHEREAS, the parties agree to continue the Hearing and the Case Management
2 Conference until December 7, 2007; and

3 WHEREAS, the parties agree that this Stipulation does not waive any of the rights
4 or defenses available to either party, and that each party reserves its rights to assert any and all
5 rights and defenses in the future and to provide further papers updating the Court and providing
6 any further developments;

7 NOW THEREFORE THE PARTIES JOINTLY REQUEST THE FOLLOWING:

8 Subject to the Court's approval, pursuant to Civil Local Rules 6-1, 6-2, 7-7(b) and
9 7-12 of the Federal District Court for the Northern District of California, that the Hearing and the
10 Case Management Conference be continued to 9 a.m. on Friday, December 7, 2007.

11 Dated: October 31, 2007

SULLIVAN & CROMWELL LLP



12
13 Michael H. Steinberg
14 Attorneys for Plaintiffs/Petitioners
15 JOEL BENOLIEL, et al.
16
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Dated: October 31, 2007

SIMPSON THACHER & BARTLETT LLP

18 _____
19 /s/ (with express permission)

20 Paul C. Gluckow
21 Attorneys for Defendants/Respondents
22 BLACKHAWK PARENT LLC and EOP
23 OPERATING LIMITED PARTNERSHIP
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2007

By _____

The Honorable Ronald M. Whyte
United States District Judge